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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,247

10/07/2005

II-Hyung Jung

29926/40812

5303

4743 7590 07/16/2007
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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,247

Applicant(s)

JUNG, II-HYUNG

Examiner

BINH K. TIEU

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Whewell (Pub. No.: US 2004/0043754).

Regarding claim 1, Whewell teaches a method for calculating a telecommunication service charge of a user based on a predetermined length of time for which the user uses the telecommunication service, comprising the steps of:

a) calculating reference time of the user based on a representative value of telecommunication service use time for a predetermined period (i.e., calculating regular amount of a selected billing plan, e.g., billing plan 1);

b) calculating flat rate application time based on the predetermined additional amount, the fiat rate application time being a period during which fiat rate is applied after the reference time (i.e., calculating the amount of time in a non-selected billing plan, e.g., billing plan 2 (see paragraph [0009]));

c) reading the user's telecommunication service subscription time of this month from a database for storing the user's telecommunication service usage history; and

d) imposing a first service charge if the telecommunication service use time of the user is shorter than the reference time (i.e., imposing the service charge of the selected billing plan 1 if the time amount

Art Unit: 2614

usage is less than 300 minutes, see Table I in paragraph [0005]), imposing a second service charge if the telecommunication service use time of the user is longer than the reference time and shorter than the fiat rate application time (i.e., imposing the non-selected billing plan 2, see Table II in paragraph [0011]), and imposing a third service charge if the telecommunication service use time of the user is longer than the fiat rate application time (i.e., imposing the non-selected billing plan 3, see Table III in paragraph [0013]).

Regarding claims 2-3, note the amount of time usage limits for billing plans 1 and 2, which are up to 300 and 500minutes, respectively, in paragraph [0005].

Regarding claim 3, note the rate charges of billing plan 6 in Table II and III.

Regarding claims 4-15 and 17, also note the similar limitations of the claims in the Billing Plans and amount of time usages as shown in Tables I, II, and III, paragraphs [0005] through [0014].

Allowable Subject Matter

3. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. (US. Pat. #: 5,995,822). Teaches a method of providing a portion of the value in the subscriber prepaid account to setup a call. The portion of the value is large enough to cover the cost of the call. If the allotted amount of portion is depleted before the call is

Art Unit: 2614

completed, the second allocation or withdrawal is setup, and so on until the call is completed.

When the call is completed, the remaining allocation is returned or credited to the prepaid account.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: July 2007